



Issuance Date: March 1, 2003

Effective Date: March 1, 2003

Expiration Date: March 1, 2008

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA0040029

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7775

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Allweather Wood Treaters, Inc.
P.O. Box 227
Washougal, WA 98671

Facility Location:

725 South 32nd Street
Washougal, WA 98671

Receiving Water:

Gibbons Creek, Outfalls 001 & 002

Water Body I.D. No.:

WA-28-3010, Outfalls 001 & 002

Discharge Location:

Outfall 001: Latitude: 45° 34' 16" N
Longitude: 122° 20' 07" W

Industry Type:

Wood Preserving

Outfall 002: Latitude: 45° 34' 15" N
Longitude: 122° 20' 23" W

is authorized to discharge in accordance with the special and general conditions that follow.

Kelly Susewind, P.E.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	April 15, 2003
S3.E	Noncompliance Notification	As necessary	
S4.B	Reporting Bypasses	As necessary	
S7.A	Acute Toxicity Characterization Data	2/year for first year	May 31, 2004
S7.A	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	February 28, 2005
S7.C	Acute Toxicity Compliance Monitoring Reports	As necessary	
S7.D	Acute Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S7.D	Acute Toxicity TI/TRE Plan	As necessary	
S7.E	Acute Toxicity Effluent Characterization for Permit Renewal	1/permit cycle (two tests)	
S8.A.2	Storm Water Pollution Prevention Plan Modifications	As necessary	
S8.B.2	Notification of Unpermitted non-storm water to <i>Storm Water Drainage System</i>	As necessary	
S9	Treatment System Final Report	1/permit cycle	January 1, 2007
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for permit renewal	1/permit cycle	180 days before permit expiration date
G8.	Notice of Permit Transfer	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A. Process Wastewater

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee shall not discharge process wastewater.

Process wastewater is defined as all wastewater generated as a result of conditioning wood prior to or during the treatment process; any wastewater generated as a result of preservative formulation, recovery or generation; any wastewater generated as a result of process area cleaning operations including, but not limited to, wastewater from the drip pad, retort and tank farm maintenance operations; and any storm water associated with the process area including the tank farm, retort, drip pad and any area that treated product is moved across prior to its having ceased dripping.

B. Storm Water from the Treated and Untreated Product Storage Areas

1. INTERIM EFFLUENT LIMITATIONS

Beginning on the effective date of this permit and lasting through 6 months from the effective date of this permit, the Permittee is authorized to discharge storm water from the treated and untreated (white wood) storage areas one of at the permitted locations subject to meeting the following limitations:

	INTERIM EFFLUENT LIMITATIONS: OUTFALL 001	
Parameter	Average Monthly^a	Maximum Daily^b
pH (standard units)	between 6 and 9	
Oil and Grease (mg/L)	N/A	10
TSS (mg/L)	N/A	80
Arsenic (µg/L)	N/A	340
Chromium (µg/L)	N/A	770
Copper (µg/L)	N/A	280

	INTERIM EFFLUENT LIMITATIONS: OUTFALL 002	
Parameter	Average Monthly^a	Maximum Daily^b
pH (standard units)	between 6 and 9	
Oil and Grease (mg/L)	N/A	10
TSS (mg/L)	N/A	80
Arsenic (µg/L)	N/A	340
Chromium (µg/L)	N/A	460
Copper (µg/L)	N/A	240

2. FINAL EFFLUENT LIMITATIONS

Beginning 6 months after the effective date of this permit and lasting until this permit is renewed, the Permittee is authorized to discharge storm water from the treated and untreated (white wood) storage areas at the permitted location subject to meeting the following limitations:

	FINAL EFFLUENT LIMITATIONS: OUTFALL 001	
Parameter	Average Monthly^a	Maximum Daily^b
pH (standard units)	between 6 and 9	
Oil and Grease (mg/L)	N/A	10
TSS (mg/L)	N/A	80
Arsenic (µg/L)	N/A	340
Chromium (µg/L)	N/A	770
Copper (µg/L)	N/A	36
Chromium ((hexavalent)	N/A	48

	FINAL EFFLUENT LIMITATIONS: OUTFALL 002	
Parameter	Average Monthly^a	Maximum Daily^b
pH (standard units)	between 6 and 9	
Oil and Grease (mg/L)	N/A	10
TSS (mg/L)	N/A	80
Arsenic (µg/L)	N/A	340
Chromium (µg/L)	N/A	460
Copper (µg/L)	N/A	81

	FINAL EFFLUENT LIMITATIONS: OUTFALL 002	
Parameter	Average Monthly^a	Maximum Daily^b
Chromium (hexavalent)	N/A	72
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		

C. Mixing Zone Description

1. Outfall 001

The Permittee is allowed a dilution factor of 3 for hexavalent chromium and 2 for copper in the City of Washougal storm sewer prior to discharge to the Gibbons Creek.

2. Outfall 002

The Permittee is allowed a dilution factor of 4.5 for hexavalent chromium and copper in the City of Washougal storm sewer prior to discharge to the Gibbons Creek.

S2. MONITORING REQUIREMENTS

A.1. Monitoring Schedules for Effluent

MONITORING SCHEDULE FOR OUTFALLS 001 & 002					
Category	Parameter	Units	Sample Point	Minimum Frequency	Sample Type
Storm Water Effluent	Flow	MGD	Final Sampling Manhole	Once per month	Daily Total
Storm Water Effluent	pH	Standard Units	Final Sampling Manhole	Once per month	Grab
Storm Water Effluent	Oil and Grease	mg/L	Final Sampling Manhole	Once per month	Grab
Storm Water Effluent	TSS	mg/L	Final Sampling Manhole	Once per month	Grab
Storm Water Effluent	Arsenic	µg/L	Final Sampling Manhole	Once per month	Grab
Storm Water Effluent	Chromium	µg/L	Final Sampling Manhole	Once per month	Grab
Storm Water Effluent	Chromium (hexavalent)	µg/L	Final Sampling Manhole	Once per month	Grab
Storm Water Effluent	Copper	µg/L	Final Sampling Manhole	Once per month	Grab
WET Testing			Final Sampling Manhole	See Special Condition S7.	See Special Condition S7.

A.2. Monitoring Schedules for Influent

MONITORING SCHEDULE FOR THE TREATMENT SYSTEM – INFLUENT					
Category	Parameter	Units	Sample Point	Minimum Frequency ^d	Sample Type
Storm Water Influent	pH	Standard Units	Treatment System Influent	Once per month	Grab
Storm Water Influent	Oil and Grease	mg/L	Treatment System Influent	Once per month	Grab
Storm Water Influent	TSS	mg/L	Treatment System Influent	Once per month	Grab
Storm Water Influent	Arsenic	µg/L	Treatment System Influent	Once per month	Grab

MONITORING SCHEDULE FOR THE TREATMENT SYSTEM – INFLUENT					
Category	Parameter	Units	Sample Point	Minimum Frequency ^d	Sample Type
Storm Water Influent	Chromium	µg/L	Treatment System Influent	Once per month	Grab
Storm Water Influent	Chromium (hexavalent)	µg/L	Treatment System Influent	Once per month	Grab
Storm Water Influent	Copper	µg/L	Treatment System Influent	Once per month	Grab
^c This monitoring schedule is only required until September 1, 2005. After September 1, 2005, the Permittee is required to sample twice a year, once during first sampled storm after September 1 and once during first sampled storm after January 1. All collected data shall be summarized in the treatment system final report due on January 1, 2007.					
^d The Department has established a minimum monitoring frequency of once per month until September 1, 2005, because of the unpredictable nature of storm events. After September 1, 2005, the Permittee is required to sample twice a year. However, the Permittee is still under the standard obligation to report all data that is collected for this sample location. The Department requires the Permittee to sample the influent from every storm event, but not to exceed one sampling event per week, that is treated with the trial system during the first six months of the treatment system trial period. The permittee shall notify the Department of the start date of the treatment system.					

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department.

The storm water sampling frequency for all treated product storage areas shall be once per month for the months of September through May (nine samples per season). All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 48 hours from the previously measurable (greater than 0.1 inches of rainfall) storm event. The grab sample shall be taken during the first 60 minutes of the storm event. If the collection of a grab sample is impractical within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two hours instead. When this happens, the Permittee shall submit a description of why a grab sample was not possible during the first hour with the monitoring report.

If the Permittee is unable to collect a sample due to insufficient rainfall or due to adverse climatic conditions, the Permittee shall submit in lieu of sampling data an explanation of why samples were not collected. An adverse climatic condition that may prohibit the collection of samples includes weather conditions that create dangerous conditions for human beings or otherwise makes collection of a sample impracticable.

C. Flow Measurement

Appropriate flow measurement devices or methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

Total flow shall be estimated for each outfall sampled based upon rainfall measurements or estimates, storm water collection area and an estimate of the runoff coefficient of the drainage area for each storm event that is sampled.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be postmarked or received no later than the 30th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to the Permit Coordinator, Department of Ecology, Southwest Regional Office, P.O. Box 47775, Washington, 98504-7775.

All lab reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), lab practical quantitation limit (PQL), reporting units and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge for one or all of the outfalls during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results for the affected outfalls.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem, and if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department within 30 days after becoming aware of the violation;
2. Immediately notify the Department of the failure to comply; and
3. Submit a detailed written report to the Department within thirty days (five days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the re-sampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATION AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit. This includes the use of best management practices BMPs.

A. Bypass Procedures

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment or collection system is prohibited unless one of the following conditions (1, 2, 3, or 4) applies:

1. Bypass of stormwater is authorized only under severe storm events that causes an exceedance of the design capacity of the treatment, collection and storage system. The Permittee shall submit a report to the Department within 30 days of the bypass indicating the magnitude of the storm event(s) that caused the bypass, how long the bypass lasted, and the quality of the bypass and effluent mix together (as per Condition S2.A.1.).
2. Unavoidable Bypass -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit, the Permittee shall notify the Department in accordance with condition S3.E "Noncompliance Notification."

3. Anticipated Bypass that Has the Potential to Violate Permit Limits or Conditions -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) if a water quality criteria exceedance is unavoidable, a request for modification of water quality standards as provided for in WAC 173-201A-110, and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.

- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass may be by administrative order issued by the Department under RCW 90.48.120.

- 4. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

B. Best Management Practices

On the day the permit is issued or before the Permittee shall implement the following best management practices (BMPs):

Operational BMPs specified in the engineering report *Stormwater Facilities Evaluation and Mixing Zone Study*:

- Separate material handling equipment is used for treated and untreated wood so that equipment coming into contact with the drip pad stays on the drip pad.
- Treated units of lumber are "shed wrapped" or completely wrapped to minimize exposure of treated lumber to the environment.
- Frequent maintenance of catch basins to reduce exposure of runoff to contaminated sediments.
- Treatment of lumber in accordance with process practices that increases the fixing of the treating chemicals in the wood and reduces potential contamination of storm water.
- Sweeping the facility on a regular basis to remove potential contaminated particles from the pavement.

Additional BMPs:

- Treated and untreated lumber is separated as follows:
 - ✓ Treated lumber is being stored in a catch basin that discharges via the treatment system and Outfall 001
 - ✓ Untreated lumber is being stored in a catch basin that discharges via Outfall 002

- ✓ 12-inch painted well visible line separates both catch basins

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S6. SPILL CONTROL PLAN

The Permittee shall review and update, if necessary, the existing Spill Control Plan annually. The Permittee shall retain the Spill Control Plan on-site or within reasonable access to the site.

S7. ACUTE TOXICITY

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on the final effluent to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be conducted twice in one twelve (12) month period, once in April 2004 and once in November 2004. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this Section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50 percent of the organisms (LC₅₀). The percent survival in 100 percent effluent shall also be reported.

A written report shall be submitted to the Department no later than May 31, 2004, for the first test. A final effluent characterization summary report shall be submitted to the Department no later than February 28, 2005, after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

- 1) Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA/600/4-90/027F)

- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

B. Effluent Limit for Acute Toxicity

The Permittee has an effluent limit for acute toxicity if, after completing one year of effluent characterization, either:

- (1) The median survival of any species in 100 percent effluent is below 80 percent, or
- (2) Any one test of any species exhibits less than 65 percent survival in 100 percent effluent.

If an effluent limit for acute toxicity is required by subsection B at the end of one year of effluent characterization, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall complete all applicable requirements in subsections E and F.

The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).

In the event of failure to pass the test described in subsection C. of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection D. are being met to the satisfaction of the Department.

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance is authorized in Section S1. DISCHARGE LIMITATIONS of this permit. The ACEC equals 33 percent effluent for Outfall 001 and 22 percent effluent for Outfall 002.

C. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted twice per year for the remainder of the permit term using each of the species listed in subsection A above on a rotating basis, and performed using at a minimum 100 percent effluent, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule. The percent survival in 100 percent effluent shall be reported for all compliance monitoring. A written report shall be submitted to the Department within 60 days after the sample date of each acute compliance monitoring event.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration representing the ACEC. The Permittee shall immediately implement subsection D. if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

D. Response to Noncompliance with an Effluent Limit for Acute Toxicity

If the Permittee violates the acute toxicity limit in subsection B, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. For intermittent discharges, testing shall be conducted on the next four discharge events using the same test and species as the failed compliance test. Testing shall determine the LC_{50} and effluent limit compliance. The Permittee shall return to the original monitoring frequency in subsection C. after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department-within 60 days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Acute Toxicity

The Permittee shall test final effluent once in the last summer and once in the last winter prior to submission of the application for permit renewal. All species used in the initial acute effluent characterization or substitutes approved by the Department shall be used, and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on grab samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S8. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Storm Water Pollution Prevention Planning for Industrial Facilities*, which is published by the Department.

The Permittee shall implement all the elements of the SWPPP including operational, treatment and source control BMPs, as well as erosion and sediment control BMPs determined necessary.

A. General Requirements

1. Submission, Retention and Availability:

The Permittee shall retain the SWPPP on-site or within reasonable access to the site. The SWPPP and all of its modifications shall be signed in accordance with General Condition G1.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in the design, construction, operation or maintenance that causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.

4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Storm Water Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:

- a. Assessment and description of existing and potential pollutant sources,
- b. A description of the operational BMPs,
- c. A description of selected source-control BMPs,
- d. When necessary, a description of the erosion and sediment control BMPs,
- e. When necessary, a description of the treatment BMPs, and
- f. An implementation schedule.

B. Implementation

The Permittee shall conduct two inspections per year; one during the wet season (October 1 – April 30) and the other during the dry season (July 1 – August 31).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Storm Water Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in storm water discharge are being implemented and are adequate. The wet-weather inspection shall include observations of the presence of floating material, suspended solids, oil and grease, discoloration, turbidity, odor, etc. in the storm water discharge.

2. The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of unpermitted non-storm water discharges such as domestic wastewater, non-contact cooling water, or process wastewater (including *leachate*) to the storm water drainage system. If an unpermitted, non-storm water discharge is discovered, the Permittee shall immediately notify the Department.

C. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loading identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit, or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and a certification, in accordance with General Condition G1., that the facility is in compliance with the plan and this permit, and identifying any incidents of noncompliance.

S9. COMPLIANCE SCHEDULE

The Permittee shall have 6 months from the effective date of this permit to finish installation of an electrocoagulation stormwater treatment system as describe in the preliminary engineering report, submitted to the Department on July 17, 2002, and amended on October 10, 2002.

Two copies of the treatment system final report shall be submitted on or before January 1, 2007.

The final report shall include, in addition to the revise [if necessary] preliminary engineering report, the following:

1. How applicable acute and chronic water quality standards will be met outside of any applicable dilution zone WAC 173-240-130(2)(l)
 - a. Available dilution at Outfall 001
 - b. Bypass provisions developed in close cooperation with the Department
 - c. Copper ambient background concentration for Outfall 001 and Outfall 002
2. A discussion of the various alternatives evaluated, including the City of Washougal outfall and other outfalls to the Columbia River, and reasons they are unacceptable, WAC 173-240-130(2)(v).
3. A statement of the capital costs and the annual operation and maintenance costs.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department, and
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of B.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

G2. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;

- B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a material change in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.